

## **MEETING MINUTES, BOARD OF ZONING APPEALS, APRIL 10, 2006**

**Present:** Phil Tinkle, Mike Campbell, Janet Eades, Ken Knartzer, Shan Rutherford, Raynel Berry, Asst. City Attorney; Deborah Luzier, Senior Planner; and Janice Nix, Recording Secretary

The meeting was called to order at 6:00 p.m. by Phil Tinkle, Chairman.

### **PREVIOUS MINUTES**

March 13<sup>th</sup> – Eades moved to approve the minutes, seconded by Knartzer. Vote for **approval** was unanimous, 5-0. **Motion carried.**

### **NEW BUSINESS**

**Docket V2006-04 – Dimensional Variance** – Rees, located at 2630 S. U.S. 31 on nw corner of U.S. 31 & Pushville Rd. – 1.97 acre lot zoned C-3 – petitioner is requesting to construct a stone parking and storage lot – petitioner and owner is William Rees.

William Rees, petitioner, came forward and was sworn.

The newspaper notice ran in the Southside Challenger only 12 days prior to the hearing, rather than 15 days. The Daily Journal newspaper notice was 14 days, rather than 15 days. Eades moved to grant a waiver concerning the newspaper notices, seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Mr. Rees outlined his request. He would like for the parking and storage lot to be allowed to be gravel rather than to pave it. The parking area will be increased in addition to what is existing. He will be storing boats and rv's at this location. He will be fencing the lot.

The petitioner addressed the statutory criteria as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** The existing site is gravel and has never been paved.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The existing site is gravel and has never been paved. In addition, neighboring properties are either undeveloped or a significant distance away from this site so they would not be impacted. Some of the other adjacent properties are gravel as well.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** This property is not ready to be developed. It will need to be elevated five to seven feet before improvements such as city sewers, water, and hard surface parking should be installed.

Board members discussed the pros and cons of paving vrs. gravel. There will be no buildings constructed on the property. The only proposed construction is the erection of a fence.

Knartzer moved to admit the file, affidavits, notices, staff report, testimony and certified copies of the zoning ordinance and comprehensive plan and exhibits presented by the petitioner into the record, seconded by Campbell. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzter moved to approve V2006-04 with the following conditions:

- 1) A site development plan application will need to be made to ensure that proper setbacks, landscaping, and screening are provided as well as any conditions mandated by the BZA for this variance.
- 2) The unpaved parking area should be no closer than 40 feet to the pavement of Pushville Rd. and 40 feet to the pavement of U.S. 31 or outside the r-o-way, whichever is greater.
- 3) The driveway from Pushville Rd. shall be paved for a distance of 40 feet from the current roadway surface. Driveway shall be no more than the standard width for two-lane ingress access to the site.
- 4) Driveway access onto U.S. 31 shall be removed.

Seconded by Rutherford. Vote for **approval** was unanimous, 5-0. **Motion carried.**

Knartzter moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2006-004, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Eades. Vote for **approval** was unanimous, 5-0. **Motion carried.**

**Docket V2006-05 – Dimensional Variance** – 1777 Long Lake Drive, Lot 80, Barton Lakes – 0.13 acre lot zoned R-3 – petitioner is requesting to reduce the rear setback from 20 feet to 12 feet for addition of sunroom – petitioner is Michael Provo; owner is Linda Lambert.

Mr. Tinkle announced there is no verification of notice to surrounding property owners. Therefore, this petition needs to be continued to the next meeting so proper notice can be provided. Rutherford moved to continue V2006-05 to the April 24, 2006, meeting, seconded by Knartzter. Vote for **approval** for the **continuance** was unanimous, 5-0. **Motion carried.**

#### **ANNOUNCEMENTS/REPORTS**

Eades moved to adjourn, seconded by Knartzter. Vote for **approval** was unanimous, 5-0. **Motion carried.** Meeting was adjourned at 6:40 p.m.

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JANICE NIX  
Recording Secretary

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PHIL TINKLE  
Chairman